

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: OCTOBER 21, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-35555 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER:  
SILVER SKY TWO, LP**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-35552) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a building setback of 79 feet where Residential Adjacency standards require 136 feet for a proposed three-story, 80-unit Senior Citizen Apartment development on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master Plan and will provide a landscape buffer between the proposed development and the affected two-story Condominium property to the east, which is more than twice that required by Title 19; therefore, staff recommends approval of this request. If denied, the proposed Senior Citizen Apartment development could not be built on the subject site and the site would remain as an undeveloped parcel until a subsequent application is submitted for development.

**ISSUES**

- Approval of this variance is required for approval of the related Site Development Plan Review (SDR-35552).
- A condition of approval has been added to the related Site Development Plan Review (SDR-35552) to expunge the previous Site Development Plan Review (SDR-33010) and Variance (VAR-33012).

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b>	
05/15/02	The City Council approved a General Plan Amendment (GPA-0003-02) from R.O.W. (Right-of-Way) and PR-OS (Parks/Recreation/Open Space) to PR-OS (Parks/Recreation/Open Space) on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.
06/05/02	The City Council approved a Site Development Plan Review [Z-0017-02(1)] for a City Park on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.

12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.
03/16/05	A deed was recorded for a change of ownership.
03/31/09	Planning and Development Department staff administratively approved a Reversionary Parcel Map (PMP-33933) to revert two lots to acreage on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. The map was recorded on 06/03/09.
05/06/09	The City Council approved a Site Development Plan Review (SDR-33010) for a two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet, and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Road. The Planning Commission and staff recommended approval of the request.
08/19/09	A Parcel Map (PMP-35685) was submitted for technical review for two lots on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. Planning and Development staff review is pending action on VAR-35557 and SDR-35554 and related cases VAR-35555 and SDR-35552.
09/24/09	The Planning Commission recommended approval of companion item SDR-35552 concurrently with this application.  The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #17/bts).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no related business licenses associated with this property.	
07/22/09	Civil Improvement Plans (#35314) have been submitted and are currently under review.

<b>Pre-Application Meeting</b>	
07/30/09	<p>A pre-application meeting was held on the indicated date. The following items were noted:</p> <ul style="list-style-type: none"> <li>• Re-mapping of subject site into two parcels.</li> <li>• Expunging of previous approvals.</li> <li>• A new Site Development Plan Review and Variance would be required for both new parcels.</li> </ul>

<b>Neighborhood Meeting</b>	
09/22/09	A neighborhood meeting is scheduled to be held at Silver Sky Assisted Living, located at 8220 Silver Sky Dr. Las Vegas, Nevada 89145.

<b>Field Check</b>	
08/20/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> <li>• The location of existing single-family homes to the east of the subject site.</li> <li>• The overall site is undeveloped.</li> <li>• There is an existing Assisted Living Facility located west of the subject site.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	4.72 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	R.O.W. (Right-of-Way) Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08.050, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	205,603 SF	Y
Min. Setbacks			
• Front (south property line)	20 Feet	493 Feet	Y
• Side (west property line)	5 Feet	5 Feet	Y
• Side (east property line)	5 Feet	85 Feet	Y
• Rear (north property line)	20 Feet	86 Feet	Y
Min. Distance Between Buildings	10 Feet	37 Feet	Y
Max. Building Height	2 stories or 35 feet, whichever is less	3 stories or 33 feet	Y
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

*Pursuant to Title 19.08.060, the following residential adjacency standards apply:*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	139 Feet	79 Feet	N
Adjacent development matching setback	15 Feet	79 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

## ANALYSIS

This Variance request proposes to allow a 79-foot separation where Residential Adjacency Standards require 136 feet for a proposed for a proposed three-story, 80-unit Senior Citizen Apartment development on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master

Plan and will provide a landscape buffer between the proposed development and the affected two-story Condominium property to the east, which is more than twice that required by Title 19; therefore staff recommends approval of this request.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The applicant demonstrated that the proposed development will further the goals and policies of the General Plan and will not negatively impact the adjacent properties. The relief granted will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution. Therefore, staff recommends approval of this request.

## **PLANNING COMMISSION ACTION**

There were additional protests submitted at the Planning Commission Meeting.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

12

## **ASSEMBLY DISTRICT**

34

**SENATE DISTRICT** 8

**NOTICES MAILED** 387 by City Clerk

**APPROVALS** 0

**PROTESTS** 4